

REMARKS

Claim 11 is canceled. Claims 1-10 and 12-41 are pending. Claims 1-3 and 16-41 are withdrawn by the Examiner subject to the restriction requirement of July 8, 2005.

Claim 4 is amended. Support for the amendment can be found in original claim 11. No new matter is added.

The specification is amended at page 20, line 11 to correct a typographical error. Support for the amendment can be found at page 9, lines 19-20; page 11, lines 8-9; page 12, lines 22; and page 21, line 9. No new matter is added.

Notice of Non-Compliant Amendment dated January 4, 2006

The status identifier for claim 4 is corrected to read "currently amended" as required by the Notice of Non-Compliant Amendment dated January 4, 2006. Applicants respectfully request entry of this paper.

Response to Rejections Under 35 U.S.C. § 102(b)

Claims 4-8, 10, and 12-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Reich (U.S. Pat. No. 5,993,972) as evidenced by Germinario (U.S. Statutory Invention Registration No. H1857). Applicants respectfully traverse. However, in order to advance prosecution, claim 4 is amended to incorporate claim 11. Reich does not disclose cetyl pyridinium chloride. Applicants respectfully request withdrawal of the rejection.

Claims 4-8, 10, and 12-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Podell (U.S. Pat. No. 4,575,476). Applicants respectfully traverse. In Table 7, Podell discloses oxyethyl alkyl ammonium phosphate, but does not disclose ammonium salts of

alkyl phosphates. Oxyethyl alkyl ammonium phosphate and ammonium salts of alkyl phosphates are different chemical entities. Because the two groups have different structures, they also have different physical properties. Applicants respectfully request withdrawal of the rejection.

Response to Rejections Under 35 U.S.C. § 103(a)

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Reich (U.S. Pat. No. 5,993,972) as evidenced by Germinario (U.S. Statutory Invention Registration No. H1857) and further in view of Yeh (U.S. Pat. No. 6,347,408). Applicants respectfully traverse. Claim 9 depends from claim 4, which is amended to incorporate claim 11. Neither Reich nor Yeh disclose cetyl pyridinium chloride. Therefore, Yeh cannot cure the deficiency of Reich. Applicants respectfully request withdrawal of the rejection.

Claim 9 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over Podell (U.S. Pat. No. 4,575,476) in view of Yeh (U.S. Pat. No. 6,347,408). Applicants respectfully traverse. In Table 7, Podell discloses oxyethyl alkyl ammonium phosphate, but does not disclose ammonium salts of alkyl phosphates. Oxyethyl alkyl ammonium phosphate and ammonium salts of alkyl phosphates are different chemical entities. Because the two groups have different structures, they also have different physical properties. Similarly, Yeh lacks disclosure of ammonium salts of alkyl phosphates. Therefore, Yeh cannot cure the deficiency of Podell. Applicants respectfully request withdrawal of the rejection.

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Reich (U.S. Pat. No. 5,993,972) as evidenced by Germinario (U.S. Statutory Invention Registration No. H1857) and further in view of Weikel (W.O. Pub. No. 98/29484). As claim 11 is canceled, the

rejection is moot. However, in order to advance prosecution, Applicants traverse the rejection as the Examiner may seek to apply the same combination of references against claims 4-10 and 12-15.

The instant claims as amended are directed to a glove comprising an elastomeric layer and an outer surface layer wherein the elastomeric layer comprises a polymer selected from the group consisting of natural rubber latex, synthetic polyisoprene, nitrile, and blends thereof, and wherein the outer surface layer comprises a mixture of silicone, ammonium salts of alkyl phosphates, and cetyl pyridinium chloride.

Reich is directed to a specific amphiphilic diol with a controlled amount of alkylene glycol and hydrophobic and hydrophilic diols combined with diisocyanate and water to form a polyurethane (see Abstract). The polyurethane has applications as a coating for application to gloves. As noted by the Examiner, Example 77 of Reich discloses a coating including the polyurethane according to Reich combined with various ingredients including Silicone 2128 and Darvan L to make a permanent layer on a glove.

On the other hand, Weikel teaches permanent coatings requiring an acrylic-type resin (see page 5, lines 11-23) rather than the polyurethane coating of Reich. On top of the cured acrylic-type resin, Weikel teaches the application of, for example, CPC and N-500 as slip agents (see Table 2).

As noted by the Examiner, Reich fails to teach cetyl pyridinium chloride. Therefore, the Examiner looks to Weikel to cure the deficiency of Reich. However, the polyurethane coatings of Reich are completely different from the acrylic-type coatings of Weikel, and a person of ordinary skill in the art would have no expectation of success in randomly picking and choosing one isolated component from Weikel to add to Reich's

compositions to obtain the claimed invention. Furthermore, there is no teaching in either Reich or Weikel to selectively choose a particular ingredient from Weikel to be combined with Reich. Therefore, considering the huge number of components disclosed by Weikel, the selection of any particular component from Weikel to combine with Reich's compositions requires improper hindsight reconstruction by the Examiner. Finally, according to the teachings of Weikel, the slip agents according to Weikel are applied in a separate layer on top of the acrylic-type coatings (see Examples). Therefore, if a person of ordinary skill in the art were to follow the teachings of Weikel, the cetyl pyridinium chloride would be applied as an additional slip agent on top of the polyurethane coating of Reich, which would fail to meet the limitations of the instant claims as amended wherein the outer surface layer of the glove according to the invention comprises a mixture of silicone, ammonium salts of alkyl phosphates, and cetyl pyridinium chloride. At best, combining the teachings of Reich and Weikel yields a polyurethane coating according to Reich, and an additional layer of cetyl pyridinium chloride according to Weikel on the outside of Reich's polyurethane coating. Therefore, neither Reich nor Weikel, alone or in combination, teach a glove comprising an elastomeric layer and an outer surface layer wherein the elastomeric layer comprises a polymer selected from the group consisting of natural rubber latex, synthetic polyisoprene, nitrile, and blends thereof, and wherein the outer surface layer comprises a mixture of silicone, ammonium salts of alkyl phosphates, and cetyl pyridinium chloride. Applicants respectfully request withdrawal of the rejection.

Claim 11 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over Podell (U.S. Pat. No. 4,575,476) or optionally in view of Weikel (W.O. Pub. No. 98/29484). As claim 11 is canceled, the rejection is moot. However, in order to advance prosecution, Applicants

traverse the rejection as the Examiner may seek to apply the same combination of references against claims 4-10 and 12-15. As discussed above, Podell discloses oxyethyl alkyl ammonium phosphate in Table 7, but does not disclose ammonium salts of alkyl phosphates. Oxyethyl alkyl ammonium phosphate and ammonium salts of alkyl phosphates are different chemical entities. Because the two groups have different structures, they also have different physical properties.

Weikel does not cure the deficiency of Podell. While Weikel includes a laundry list of reagents that includes Crodafos® N-3 (described as phosphate esters or DEA Oleth-3 phosphate) in Table 7 on page 45, Weikel is silent with respect to ammonium salts of alkyl phosphates. Thus, neither Podell nor Weikel teaches a glove comprising an elastomeric layer and an outer surface layer wherein the elastomeric layer comprises a polymer selected from the group consisting of natural rubber latex, synthetic polyisoprene, nitrile, and blends thereof, and wherein the outer surface layer comprises a mixture of silicone, ammonium salts of alkyl phosphates, and cetyl pyridinium chloride. Applicants respectfully request withdrawal of the rejection.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

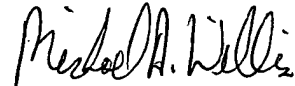
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 2877-4031. A DUPLICATE OF THIS SHEET IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 2877-4031. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 17, 2006

By: _____



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